

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SALVATORE PRESTA, et al.,  Plaintiffs,  v.  COOK COUNTY COLLEGE TEACHERS UNION AFT LOCAL 1600, et al.  Defendants.	No. 20-CV-2723  Hon. Judge Rebecca R. Pallmeyer  <b>JOINT STATUS REPORT</b>
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The parties submit this Joint Status Report in compliance with the Court's October 1, 2020 order directing the parties to do so within 14 days after a decision on the merits by the Seventh Circuit in *Bennett v. AFSCME, Council 31*, et al.

1. On May 5, 2020, Plaintiffs filed this action, raising two claims:

- (1) Plaintiffs allege that their First Amendment rights were violated when the union and their employer withheld union dues from their paychecks because their signing of union membership cards prior to the Supreme Court's decision in *Janus v. AFSCME Council 31*, 138 S. Ct. 2448, 2486 (2018) did not constitute affirmative consent to waive their alleged First Amendment right under *Janus* to not pay money to the union; and
- (2) Plaintiffs allege that Illinois state law requiring that a union serve as an exclusive bargaining agent for all employees in a bargaining unit violates the free speech and free association rights of Plaintiffs by granting the union the power to speak/lobby on their behalf to their employer, a government entity, even though they are no longer members and do not wish to associate with the union.

2. On June 30, 2020, the parties jointly submitted a motion to stay proceedings, based on the fact that *Bennett v. AFSCME, Council 31, et al.*, No. 20-1621, a case raising the exact same two claims that Plaintiffs raise in this case, was

at that time pending before the United States Court of Appeals for the Seventh Circuit.

3. On July 6, 2020, this Court entered an order granting the joint motion to stay the case, and stayed this matter pending the outcome of *Bennett* in the Seventh Circuit.

4. On October 1, 2020, this Court entered an order continuing the stay in this case and directing the parties to issue a joint status report within 14 days of the Seventh Circuit's decision in *Bennett*, or by March 30, whichever was sooner.

5. On December 3, 2020, this Court entered an order striking the State Defendants' motion to dismiss without prejudice to renewal, the only outstanding motion at the time the stay was entered.

6. On March 12, 2021, the Seventh Circuit panel issued its opinion in *Bennett*, affirming the District Court's order granting summary judgment on both of plaintiff's claims for defendants, and denying summary judgment for plaintiff.

7. The parties agree that the *Bennett* decision is dispositive of both of Plaintiffs' claims raised in this case.

8. Thus, the parties request that this Court remove the stay in this case and grant the parties 21 days to discuss among themselves how to proceed in light of their agreement that *Bennett* is controlling precedent on this case, and file the appropriate motion(s) or other filings.

Dated: March 26, 2021

Respectfully Submitted,

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